

IN THE UNITED STATES DISTRICT COURT

CLERK'S OFFICE U.S. DIST. COURT

AT ROANOKE, VA

FILED

MAY 17 2021

THOMAS A. ROSE, pro se
Plaintiff

BY: JULIA C. DUDLEY, CLERK
DEPUTY CLERK
O'Rourke

v.

no. 7:20 cv 609

OFFICER ADAMS, ET. AL.
Defendants

AFFIDAVIT OF
DISPUTED MATERIAL FACTS

State of Virginia, County of Gravson to wit,

THE AFFIANT, THOMAS A. ROSE, BEING FIRST DULY SWEARN STATES:

1. I am the plaintiff in the present case.
2. This affidavit is my response to the defendants Motion for Summary Judgement.
3. On August 7, 2020 I was attacked by inmate Larry Dodson.
4. I never fought with Dodson.
5. I attempted to restrain Dodson by holding him down in self defense.
6. I do not concede my claims that the defendants used excessive force on me because of my race while acting under the color of state law.

a. Adams

7. Officer Adams claims he shot me because I was on top of Dodson, but as I've always asserted I was on top of Dodson while restraining him in self defense.
8. I was never the aggressor in the subject altercation so at no time did Adams need to shoot me.

b. Paisley

9. Officer Paisley claims he utilized OC spray on both Dodson & I, yet nurse Kaci Waller treated Dodson after the subject altercation reported only a bite injury. See Bates 0018.
10. Waller also reported that Dodson had no other injuries and himself denied any other injuries or abuse. see Bates 0018.
11. On the other hand, nurse Heather Wall treated me after the subject altercation reported that I was sprayed with a chemical agent. see Bates 0023.
12. To put it differently, nurse Waller, Dodson, and I all dispute Paisley's account that Dodson was also sprayed with a chemical agent.

C. Robinson

13. Robinson claims he sicced his canine on me because I was on top of Dodson and "Would not stop striking him."
14. On Friday May 7, 2021 I was allowed to view the video recording of the subject altercation and it shows that at no time did I ever strike Dodson.
15. In addition to the video proof, Dodson himself expressed to nurse Waller that he suffered no other injury or any further abuse. see Bates 0018.
16. In fact, neither Adams or Paisley claims they used force because I struck or continued striking Dodson despite responding to the subject altercation before Robinson.
17. At no time throughout the subject altercation did Robinson need to sic his canine on me.
18. Finally, Adams and Robinson claim that they acted in accordance with their training which if true proves their use of force training is inherently arbitrary and excessive since Firearms and Canines are only used on Security Level Four (4) and above facilities.

d. Racial Discrimination

19. Despite the defendants claims, the facts show that I was at all times being attacked by Dodson and still the defendants only used force on me.
20. My position is that since every explanation for such disproportionate and one-sided use of force offered by the defendants is unsubstantiated, the only explanation left is that I was targeted with force because Dodson is white, I am Black, and I am a member of Black Lives Matter.
21. In conclusion, I assert that I was maliciously & sadistically shot by Adams, pepper sprayed by Paisley, and attacked by Robinson's canine during the subject altercation in an effort to cause me harm because I'm Black and a member of Black Lives Matter.

Thomas A. Rose

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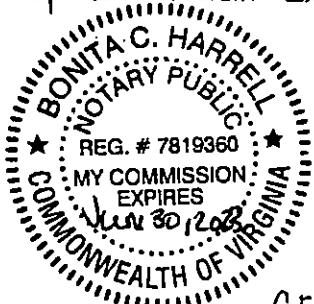
STATE OF VIRGINIA
COUNTY OF GRAYSON

NOTARY

Sworn and subscribed before me this 10th day of
May, 2021

Bonita C. Harrell
NOTARY PUBLIC

My Commission expires: June 30, 2023



I certify that the above notary is not a party to this action.

Signed:

Thomas A. Rose

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Affidavit of Disputed Material Facts has been sent this 10 day of May, 2021 by United States Mail to Timothy E. Davis, Office of The Attorney General of Virginia, 202 9th Street, Richmond, Virginia 23219.

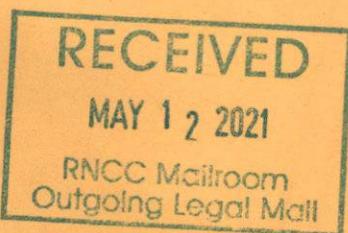
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